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IN MEMORIAM.

JAMES PARSONS.

James Parsons died on March 21, 1900, after a short illness. He was for many years Professor of Commercial Law, Contracts and Decedents' Estates in the Law Department of the University. Upon his retirement from the active duties of his chair he had been elected by the Trustees emeritus professor.

Of Professor Parsons it may be said with truth that he was a student from whom the common law kept no secrets. As a

lecturer he was difficult to follow. As a writer he was obscure. A certain eccentricity of style discouraged readers and prevented the importance of his researches from being generally recognized. To those, however, who were willing to expend the effort necessary to an understanding of his writings, and to those who had the rare good fortune to meet him in the intimacy of the study, he revealed himself as a lawyer of profound scholarship and of powerful mental grasp. There never was a lawyer who was more thoroughly dissatisfied than he with conventional explanations of legal phenomena and with glib but superficial statements of legal doctrine. He never investigated any portion of the field of law without in the end removing much of the rubbish with which it had been overlaid—clearing the ground for the work of those who, coming after him, should be endowed with the capacity to popularize his discoveries. To his work of research he brought a mind well trained by patient and persistent study. His knowledge of languages, ancient and modern, was truly remarkable. He was a student of the civil law and an attentive reader of the writings of all the continental jurists. There was nothing narrow or provincial in his treatment of legal problems. He was not afraid, in their solution, to summon to his aid the best that foreign scholarship had to offer.

His favorite field of investigation was the law of partnership. He published his work on that subject in 1889. A second edition appeared ten years later. No one who will take the time and trouble thoroughly to understand this remarkable book will hesitate to pronounce it an invaluable contribution to the literature of the common law. Here at least is a book which recognizes that the law of partnership must have as the basis of its development some single scientific conception susceptible of application in the solution of all problems. The author refuses to be satisfied with the current analyses of the partnership relation—no one of which is found adequate to explain that relation in all its bearings. He discards the entity theory of the firm's existence as fundamentally unsound. He points out the insufficiency of any theory which seeks to resolve the relation into a mere contract or a bundle of contracts. He builds up his system upon the foundation of a common property of which the partners are the co-owners. He emphasizes the distinction between mere co-ownership, where the *holding* of property is the object in view, and the embarkation of the common property in a business of which the partners are the co-proprietors. Co-proprietorship thus becomes the test of partnership and a rational basis is afforded the student for determining, in a given case, whether a partnership exists, what are the rights and liabilities of the asso-

ciates during the continuance of the relation, and what rules should be invoked to settle the account between them upon dissolution. The prediction is hazarded that within fifty years from the time of his death the law of association in all its branches will be recognized as being in fact but the application of the principles which Professor Parsons was the first clearly to apprehend.

Of the man himself nothing need be said in public print, except to record the fact that successive classes of students found in him an instructor who was always ready to spend himself in the personal service of those who came to him for advice and help; that his brethren at the Bar recognized him as the embodiment of high principle and professional courtesy; and that his colleagues in the faculty of the Law School share with his many friends that sense of personal loss which comes only when death claims those who have faithfully served their generation. *G. W. P.*

THE EFFECT OF DIVORCE AND REMARRIAGE ON DOWER RIGHTS.—In the appeals of Brown and McDonald, argued as one and decided on identical grounds, the Supreme Court of Errors of Connecticut has recently passed upon an interesting question under Connecticut statutes. The opinion (which will be found in 44 Atl. Rep., 23–25), leaves much to be desired. It suggests, however (more by omission than inclusion), a number of questions concerning dower as affected by divorce and remarriage, a brief examination of which may be of interest.

Considering the two cases as one, the extraordinary state of facts presented was as follows: The husband, A., was divorced from his wife, B., the latter being the innocent party. A. subsequently married C., from whom he was also divorced, C. being the innocent party. A. then married D., who survived him as his lawful wife. Both B. and C. claimed dower in his land, under a Connecticut general statute (1877.), which provides: "Every woman married prior to April twentieth, eighteen hundred and seventy-seven, and living with her husband at the time of his death, or absent by his consent or by his default, or by accident, or who has been divorced without alimony, where she is the innocent party, shall have right of dower, during her life, in one-third part of the real estate of which her husband died possessed in his own right, unless a suitable provision for her support was made before the marriage by way of jointure," etc.

A. was married to his first wife, B., in 1858, and divorced from her in 1863. In 1864 B. married another man, with whom she was living at the time of A.'s death and by whom she had six children. In 1864 A. also remarried, taking C. to wife, and in 1866 was divorced from her. In 1882 C. remarried. In 1867 A. married D., who survived him. Prior to his marriage with D., A. had not